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Docket No.: P2002,0542

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By: Wm. Seeley

Date: March 4, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applic. No. : 10/607,517 Confirmation No.:
Inventor : Charles Seeley et al.
Filed : June 26, 2003
TC/A.U. : to be assigned
Examiner : to be assigned
Customer No.: 24131

P E T I T I O N U N D E R 37 C F R 1.47(a)

The facts leading to this petition are as follows:

Fujitsu Siemens Computers, LLC, by agreement obtained complete and exclusive proprietary interest in the invention.

The invention is considered sufficiently important to warrant application for patent and the non-filing of an application for patent would irreparably harm Fujitsu Siemens Computers, LLC.

The inventors, Charles Seeley, Jason Lewis, Stacey Lloyd and Paul Kayfes, in the application currently cannot be reached to execute the declaration and the instant petition is necessary to preserve the rights of Fujitsu Siemens Computers, LLC, and to prevent irreparable damage.

Mr. Alwin Rietzler who is handling the file in Germany for Fujitsu Siemens Computers, LLC has made several efforts to obtain the signatures of the above-mentioned inventors. Enclosed are copies of:

1. letters to Mr. Charles Seeley, dated July 8, 2003 (sent as a reminder on August 28, 2003) and November 4, 2003. The letter dated November 4, 2003 was sent by certified mail requesting a return receipt;
 - a) return receipt postcard
2. letters to Mr. Jason Lewis, dated July 8, 2003 (sent as a reminder on August 28, 2003) and November 4, 2003;
 - a) return receipt postcard and stamp by the USPS indicating that the mailed item was not deliverable
3. letters to Mr. Stacey Lloyd, dated July 8, 2003 (sent as a reminder on August 28, 2003) and November 4, 2003;
 - a) return receipt postcard and stamp by the USPS indicating that the mailed item was not deliverable
4. letters to Mr. Paul Kayfes, dated July 8, 2003 (sent as a reminder on August 28, 2003) and November 4, 2003.
 - a) return receipt postcard and stamp by the USPS indicating that the mailed item was not deliverable
5. E-mail correspondence between Alwin Rietzler, the patent attorney who is handling the file in Germany for Fujitsu Siemens Computers, LLC, and Guenter Frommel, a representative of Fujitsu Siemens Computers, LLC, and a certified translation thereof.

Please note that each letter dated July 8, 2003 was sent to the company address, whereas all letters dated November 4, 2003 were sent to the home address of each inventor.

On information and belief, the names and addresses of the non-signing inventors are:

- 1) Charles Seeley, 17396 N.W. Brickstone Ct., Beaverton, Oregon 97006, USA
- 2) Jason Lewis, 1377 S.E. 74th Avenue, Hillsboro, Oregon 97123, USA
- 3) Stacey Lloyd, 1898 Estate Drive, Hillsboro, Oregon
- 4) Paul Kayfes, 335 N.W. Island Circle #B1, Beaverton, Oregon 97006, USA

In accordance with 37 C.F.R. 1.53(b), enclosed herewith is the original signed declaration signed by John Lynch and Mark Myers.

Application No. 10/607,517
Petition under 37 C.F.R. 1.47(a)
March 4, 2004

The undersigned hereby states that the application filed in the Patent and Trademark Office is the application which the inventors executed by signing the declaration. MPEP 602 (8th ed., Aug. 2001). The fee required for the late filing of an oath or declaration in the amount of \$130.00 is enclosed.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to Deposit Account No. 12-1099 of Lerner and Greenberg, P.A..

It is respectfully requested that this application be given Rule 1.47 status and that the absence of the signatures of the inventors Charles Seeley, Jason Lewis, Stacey Lloyd and Paul Kayfes be excused.

Respectfully submitted,



For Applicants

WERNER H. STEMER
REG. NO. 34,956

March 4, 2004

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/bb

Docket No.: P2002,0542

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor : Charles Seeley
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DECLARATION

I, the undersigned, herewith state that:

I have been personally involved in the application process and the prosecution of the above-identified application. Specifically, the application, together with the declaration and assignment, were sent to Charles Seeley, Jason Lewis, Stacey Lloyd and Paul Kayfes, the inventors who are the subject of the petition under 37 C.F.R. 1.47(a). I personally organized the communication to the above-named inventors and I personally know that none of them has returned the signed papers to us.

I have first-hand knowledge with regard to the aforementioned facts and I have been personally involved in the communication, or lack thereof, with the above-named inventors.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

A handwritten signature in black ink, appearing to read "A. Rietzler", written over a horizontal line.

Alwin Rietzler